

KEVIN V. RYAN, United States Attorney (CA Bar No. 118321)
CHARLES M. O'CONNOR, Assistant United States Attorney (CA Bar No. 56320)
10th Floor Federal Building, Box 36055
450 Golden Gate Avenue
San Francisco, California 94102

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
United States Department of Justice
Environment & Natural Resources Division
JEAN E. WILLIAMS, Chief
LISA LYNNE RUSSELL, Assistant Chief
KRISTEN BYRNES FLOOM, Trial Attorney (DC Bar No. 469615)
United States Department of Justice
Environment & Natural Resources Division
Wildlife and Marine Resources Section
Benjamin Franklin Station, P.O. Box 7369
Washington, DC 20044-7369
Telephone: (202) 305-0340
Facsimile: (202) 305-0275

Attorneys for Federal Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY,
et al.

Plaintiffs,

vs.

GALE A. NORTON, in her official
capacity as Secretary of the Interior, and H.
DALE HALL, in his official capacity as
Director, U.S. Fish and Wildlife Service,

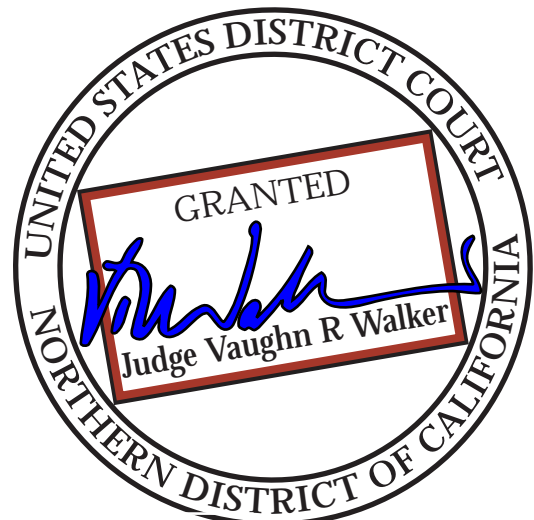
Defendants,

and

AMERICAN FOREST & PAPER
ASSOCIATION, CALIFORNIA
FORESTRY ASSOCIATION, and
SIERRA PACIFIC INDUSTRIES,

Defendant-Intervenors.

) Case No. C-04-1861 (VRW) (BZ)
)
)
) **FEDERAL DEFENDANTS'**
) **NOTICE OF EXTENSION OF**
) **COMPLETION DATE FOR**
) **TWELVE-MONTH FINDING ON**
) **PLAINTIFFS' UPDATED**
) **PETITION TO LIST THE**
) **CALIFORNIA SPOTTED OWL**



Dated: February 22, 2006

**FEDERAL DEFENDANTS' NOTICE OF EXTENSION OF
COMPLETION DATE FOR TWELVE-MONTH FINDING**

Federal Defendants hereby notify the Court that the United States Fish & Wildlife Service ("FWS"), with the consent of Plaintiffs, will extend by two months its target date for completion of a twelve-month finding on Plaintiffs' Updated Petition to list the California spotted owl (*Strix occidentalis occidentalis*) as a threatened or endangered species (September 1, 2004) ("Updated Petition").

In response to the Court's March 8, 2005, Amended Order to Show Cause (Dkt. No. 60), FWS evaluated its ability to complete its review of Plaintiffs' Updated Petition. FWS determined that it could complete a substantial information (or "90-day") finding for the Updated Petition by June 13, 2005. See Second Declaration of Elizabeth H. Stevens (Dkt. No. 62, Attachment 1) ("Second Stevens Decl.") ¶ 4. FWS further determined that, if it found that the petition did present substantial information that listing is warranted ("positive 90-day finding"), see 16 U.S.C. § 1533(b)(3)(A), it could then complete a twelve-month finding for the Updated Petition, pursuant to 16 U.S.C. § 1533(b)(3)(B), by March 14, 2006. See Second Stevens Decl. at ¶ 4.

On June 21, 2005, FWS issued a positive 90-day finding and initiated a status review of the species. 70 Fed. Reg. 35607 (June 21, 2005). In the course of its status review, FWS has become aware of a recent analysis of California spotted owl demography and population status. A draft report containing the results of the analysis is expected to be available in February 2006. FWS has determined that the information from this report should be considered as part of the status review, and thus proposes to extend the status review by two months, issuing the twelve-month finding on May 15, 2006. Plaintiffs and Defendant-Intervenors have stated that they do not oppose this extension of the target date for completion of the status review.

1
2 Dated: February 15, 2006

Respectfully submitted,

3
4 SUE ELLEN WOOLDRIDGE
5 Assistant Attorney General
6 United States Department of Justice
7 Environment & Natural Resources Division
8 JEAN E. WILLIAMS, Chief
9 LISA LYNNE RUSSELL, Assistant Chief

10 /s/ Kristen Byrnes Floom
11 KRISTEN BYRNES FLOOM, Trial Attorney
12 DC Bar No. 469615
13 United States Department of Justice
14 Environment & Natural Resources Division
15 Wildlife and Marine Resources Section
16 Benjamin Franklin Station, P.O. Box 7369
17 Washington, DC 20044-7369
18 Telephone: (202) 305-0340
19 Facsimile: (202) 305-0275
20 Kristen.Floom@usdoj.gov

21
22
23
24
25
26
27
28
Of Counsel:
Kerry A. O'Hara
U.S. Department of the Interior
Office of the Solicitor
Pacific Southwest Regional Office
2800 Cottage Way, Room E-1712
Sacramento, CA 95825-1890

Attorneys for Federal Defendants